

DOCUMENT B

VICTORIA CONSTITUTION 1975.

IS IT LEGAL?

"DEMOCRACY IS THE NAME WE GIVE THE PEOPLE
WHEN EVER WE NEED THEM". ARMAN DE GALLANCI
31 ST MAY 1913

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ORIGINAL SIGHTED BY ME
ON 1 DEC 2012



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A group of self styled "Democratic Activists" are about to embark on a co-ordinated legal campaign in an attempt to deliver proper democratic fundamentals to the Victorian people.

They claim to have overwhelming evidence that Victoria has been in a "constitutional void" and that the current Victorian Parliament is "unlawful" and "unconstitutional" as one member, states the Victorian Parliament enacted a Constitution in 1975 which was unlawfully enacted. The provision claimed to allow for the enactment of the Victorian Constitution Act 1975 to occur was section 60 of the Victorian Constitution Act 1855 which states - that the Legislature of Victoria as constituted by this Act, shall have full Power and Authority from Time to Time, by any Act or Acts, to repeal, alter, or vary all or any of the provisions of this Act, yet when you look at the schedule of Victorian Constitution Bill 1975 it claims to have repealed the whole Act.

The Parliament only had the power to repeal the Provisions of the Victorian Constitution Act 1855 and not the "whole Act". Another Provision required by section 60 of the Victorian Constitution Act 1855 is that in order for the lawful passing of any repeal it requires that every Bill which shall be so passed shall be reserved for the Signification of Her Majesty's Pleasure thereon.

The Victorian Year Book 1984 states in relation to Sir Henry Winneke (the Victorian Governor from June 1 - 1974 until March 1 1982) on two occasions he reserved bills for the Queens assent; the Constitution Act 1975 and the Constitution (Governor's Pension Act 1978.

HER MAJESTY'S ASSENT WAS NEVER GRANTED!!!

Our research of Hansard, of the Westminster Parliament which is the only authority that could lawfully repeal The Victorian Constitution Act 1855, shows no mention, at all, of any such repeal.

Indeed, further correspondence from an Archivist at the House of Lords Records Office is even more damning, it states that according to the Chronological Table of Statutes, the Victorian Constitution Act 1855 is still wholly in force. There is not even any mention of a partial repeal.

The process of the reservation of Bills for Her Majesty's signification in Section 60 of the Victorian Constitution Act 1855 was not affected by federation in 1901 and was further entrenched by section 1a of The Australian States Constitution Act 1907 which states - 'There shall be reserved for the signification of His Majesty's pleasure thereon' every Bill passed by the Legislature of any State forming part of the Commonwealth of Australia which -- (a) alters the constitution of the Legislature of the State or of either House thereof.

The Victorian Constitution Act 1975 did not receive the signification of His (Her) Majesty's pleasure - as was required by Section 1a of the Australian States Constitution Act 1907 and is therefore absolutely void and inoperative as we can prove as follows.

The Victorian Constitution Act 1975 was subject to section 2 of the Colonial Laws Validity Act 1865 which states;

"Any colonial law which is or shall be in any way repugnant to the Provisions of any Act of Parliament extending to the Colony to which such law may relate, or repugnant to any Order or Regulation made under authority of such Act of Parliament or having in the Colony the force effect of such Act shall be read subject to such Act, Order or Regulation, and shall to the effect of such repugnance, but not otherwise, be and remain absolutely void and inoperative".